

# EXHIBIT H

**From:** [Weber, Olivia](#)  
**To:** [jordan.feirman@skadden.com](mailto:jordan.feirman@skadden.com); [Alison Plessman](#); [Salvatore Bonaccorso](#); [john.neukom@skadden.com](mailto:john.neukom@skadden.com)  
**Cc:** [mashley@irell.com](mailto:mashley@irell.com); [jwood@emlaw.com](mailto:jwood@emlaw.com); [crice@emlaw.com](mailto:crice@emlaw.com)  
**Subject:** RE: Joint Report (SNMPRI et al. v. Broadcom et al.)  
**Date:** Tuesday, January 5, 2021 6:09:54 PM

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Hi Jordan and Alison,

Only one Defendant, Broadcom, has asserted a jurisdictional challenge, and this is the first we have heard that either Brocade or Extreme is allegedly concerned that there will be a waiver of venue defenses based on submission of a joint 26f report, providing initial disclosures, or any of the other items enumerated in Alison's email. Indeed, we discussed all of these topics at the Rule 26f meeting, and the only concern raised was by Broadcom, and even then, Broadcom said it would review the law to see if there was any real concern.

In any event, if any Defendant intends to refuse to participate in the submission of the joint 26f report, the provision of initial disclosures, or responding to Plaintiffs' already-propounded discovery on the basis that it could lead to a waiver of asserted defenses (personal jurisdiction and venue on Broadcom's part; venue only on Extreme's and Brocade's part), Plaintiffs will agree not to argue that submission of the joint 26f report, the provision of initial disclosures, or responding to Plaintiffs' already-propounded discovery constitutes a waiver of the asserted defenses. As for Defendants' propounding their own discovery, that is a strategic litigation choice that Defendants will make, and Plaintiffs will not waive any potential arguments related to it in advance (assuming there are any as to the asserted defenses), particularly given that no Defendant has identified the discovery requests that it intends to propound. If Defendants have any authority they would like us to consider on this issue, please identify it or send it to us, and we'd be happy to consider it.

With respect to Defendants' request for a 30-day extension on all discovery that Plaintiffs served (which we served on December 26 because Broadcom refused to conduct the Rule 26f meeting any time before December 23), we are willing to agree to it. However, we expect to receive substantive responses and documents (not just objections) on February 24, 2021. This is particularly important given that some of the discovery is relevant to a jurisdictional challenge. We would also appreciate reciprocation in the event Plaintiffs need additional time if and when Defendants serve discovery.

Best,

Olivia  
(949) 760-5146

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**From:** Feirman, Jordan <Jordan.Feirman@skadden.com>  
**Sent:** Tuesday, January 5, 2021 3:29 PM  
**To:** 'Alison Plessman' <aplessman@hueston.com>; Weber, Olivia <oweber@irell.com>; Salvatore Bonaccorso <sbonaccorso@hueston.com>; Neukom, John (Jay) <John.Neukom@skadden.com>  
**Cc:** Ashley, Matt <MAshley@irell.com>; jwood@emlaw.com; crice@emlaw.com  
**Subject:** RE: Joint Report (SNMPRI et al. v. Broadcom et al.)

All,

Just to make sure it is clear, Extreme joins in these proposals as well.

Thank you,

**Jordan Feirman**  
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**From:** Alison Plessman <[aplessman@hueston.com](mailto:aplessman@hueston.com)>

**Sent:** Tuesday, January 5, 2021 6:22 PM

**To:** Weber, Olivia <[oweber@irell.com](mailto:oweber@irell.com)>; Salvatore Bonaccorso <[sbonaccorso@hueston.com](mailto:sbonaccorso@hueston.com)>; Neukom, John (Jay) (PAL) <[John.Neukom@skadden.com](mailto:John.Neukom@skadden.com)>; Feirman, Jordan (NYC) <[Jordan.Feirman@skadden.com](mailto:Jordan.Feirman@skadden.com)>

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**Subject:** [Ext] RE: Joint Report (SNMPRI et al. v. Broadcom et al.)

Hi Olivia,

Thanks for sending the draft 26(f) report. We are reviewing and will provide comments shortly. As you know, we have been considering filing a motion to stay discovery pending resolution of our motion to dismiss for several reasons. Although we believe a stay is warranted under the circumstances here, we are willing to forego such a motion if you will confirm that you will not argue that the Defendants have somehow waived their defenses (including their personal jurisdiction and improper venue defenses) by agreeing to proceed with discovery (including but not limited to filing the Joint 26(f) report, serving initial disclosures, or serving or responding to discovery requests) while Defendants' motions are pending. Will you confirm that you will not argue waiver should Defendants agree to engage in such discovery-related activities?

Also, given the scope and number of your discovery requests and the fact that you served them on December 26, we will need more time to respond. Will you please agree to a 30-day extension?

Thanks,  
Alison

**Alison Plessman**

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[Biography](#)

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**From:** Weber, Olivia <[oweber@irell.com](mailto:oweber@irell.com)>

**Sent:** Monday, January 4, 2021 11:11 AM

**To:** Alison Plessman <[aplessman@hueston.com](mailto:aplessman@hueston.com)>; Salvatore Bonaccorso <[sbonaccorso@hueston.com](mailto:sbonaccorso@hueston.com)>; [john.neukom@skadden.com](mailto:john.neukom@skadden.com); [jordan.feirman@skadden.com](mailto:jordan.feirman@skadden.com)

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**Subject:** Joint Report (SNMPRI et al. v. Broadcom et al.)

Counsel,

I hope everyone had a nice holiday. I attach a draft Joint Report—please provide Defendants' edits by close of business tomorrow so that we can make corresponding revisions if necessary. We will file the Joint Report on January 6.

Please also let us know whether we have permission to add Defendants' names and counsel's signatures to the attached form indicating non-consent to the magistrate judge.

Best,

Olivia

**Olivia Weber** | Irell & Manella LLP | 949.760.5146 | [oweber@irell.com](mailto:oweber@irell.com)

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